



Appeal Decision

Site visit made on 14 July 2020

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2020j

Appeal Ref: APP/P0119/C/19/3244140

**Land at Old Manor House, Stowell Hill Road, Tytherington,
South Gloucestershire GL12 8UH**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Barbara Jobbins against an enforcement notice issued by South Gloucestershire Council.
- The enforcement notice was issued on 5 December 2019.
- The breach of planning control as alleged in the notice is without planning permission, engineering operations resulting in the construction of a hardstanding, retaining walls and balustrade and the creation of a vehicular access onto a classified road.
- The requirements of the notice are: 1. Remove from the land the hardstanding, retaining walls and balustrade. 2. Remove from the land all debris, waste and building materials associated with the steps outline (*sic*) in 1 above. 3. Reinstate the land to its condition prior to this development. For the avoidance of doubt this includes, but not exclusive to, in-filling the excavated area with topsoil and sow with grass seed.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Ground (a) appeal

Main Issues

1. The main issues in this appeal are:
 - The effect of the development on the setting of Old Manor House, a Grade II listed building.
 - The effect on highway safety.

Reasons

Setting of listed building

2. Old Manor House is a detached traditional stone dwelling of modest size. The dwelling is set back from the road, at a slightly raised ground level in relation to the road surface. The dwelling occupies generous grounds which are largely laid to grass, with mature hedge planting along the site boundaries. Located on an edge of the village, the surrounding context is largely rural.
3. Before the development enforced against was undertaken, it is likely that mature hedge planting would have been more or less continuous along the

appeal site frontage, punctuated only by a pedestrian entrance. This planting would have assisted in the enclosure of the dwelling and its grounds, contributing to an appreciable sense of rural seclusion. The sloping area of garden between the dwelling and the road and the lack of extensive areas of hard surface or other buildings in the grounds also contributed to the largely unspoilt rural setting of the dwelling.

4. The works comprising the development involved removing a significant section of the appeal site frontage, together with the excavating down to road level of a considerable portion of the sloping garden directly in front of the dwelling, to form a parking area capable of accommodating a car. The parking area has a levelled, hard surface. Low breeze block faced retaining walls topped with a timber balustrade have been erected at the sides and rear of the parking area.
5. The development has made the site frontage more open, significantly reducing the sense of enclosure and rural seclusion in the vicinity of the dwelling. Also, given the angular profiles and stark functional finishes of the hard surface and retaining walls, the development has a harsh, 'engineered' and urbanising appearance. The development therefore possesses features which are entirely at odds with the softer profiles of the pre-existing more naturalistic frontage treatment. Moreover, being directly in front of what in my view is the principal elevation, the hard surface and retaining walls together with the balustrade and parking of a car dominate and appear entirely alien in relation to the traditional character and materials of the dwelling. Consequently, the development has significantly eroded the setting of the listed building.
6. Covering the retaining walls with climbing plants supported by trellis would not enclose the frontage or appreciably soften the appearance of the development and so would not overcome the harm described above. In any event, the development is likely to outlast such planting. I understand that the appellant was unaware that the dwelling had been included on the list of buildings of special architectural or historic interest. However, that is not relevant to the effect of the development on the setting of the listed building.
7. The failure to preserve the setting of the listed building does not accord with Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (PSP). There is also failure to accord with Policy PSP1, as the development is not a constructive response to a building which in this instance, makes a particularly positive contribution to local distinctiveness. Furthermore, by not respecting the architectural style, external materials, boundary treatments and hard and soft landscaping of the surroundings, the development does not accord with Policy PSP38. The failure to conserve the listed building does not accord with criterion in Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (CS). Moreover, as the development does not respect the character and distinctiveness of the site in terms of its siting and materials, there is a failure to accord with criterion in Policy CS1.

Highway safety

8. The road accessed by the development is the main vehicular route through the village towards the nearest town and connects with the primary road network. The road has a straight alignment for a considerable distance either side of the site, with lanes running in either direction separated by a central raised traffic calming feature. There is a pedestrian footway in front of the site, with a bus stop layby opposite and an associated uncontrolled pedestrian crossing nearby.

Although traffic levels on the road are likely to be higher at other times, during my visit I observed relatively few vehicles passing the site. Vehicles approaching from both directions were mostly travelling well within the permitted maximum speed of 30 mph.

9. The parking area is too small to enable a car entering in forward gear to be turned so that it can also exit in forward gear. Therefore, drivers must encroach onto the road in order to carry out reversing manoeuvres to either access or exit the site. The absence of on-site turning where, as in this case, the vehicle access is onto a classified road, is not ideal. Most other residential properties in the vicinity have on-site turning facilities. The Council's preferred location for a vehicular access and parking area at the site is also noted.
10. Be that as it may, there is extensive visibility along the road in both directions, owing to its straight alignment. Coupled with the likely restrained approach speeds of most vehicles, oncoming drivers therefore have ample warning of a car manoeuvring into or out of the site and should consequently be able to adjust their own speed with relative ease. Similarly, drivers intending to manoeuvre into or out of the site are likely to have ample warning of oncoming traffic. Drivers intending to carry out such manoeuvres are also likely to be cautious and give way to any approaching vehicles, only proceeding when they can see that the road is clear. Factors such as increased traffic levels or inclement weather conditions are unlikely to affect inter-visibility between approaching vehicles and those accessing or exiting the site to such an extent as to significantly increase the risk of a collision. Also, I was not made aware of any accidents attributable to the development having occurred since it was constructed around two years ago.
11. Moreover, I am mindful that in the absence of any other off-street parking being available and having regard to the lack of any parking restrictions, without the parking area it is entirely likely that the appellant would park her car at the roadside. This would potentially reduce visibility for passing vehicles in the vicinity of the bus stop and the associated pedestrian crossing, it would impede the free flow of traffic and also increase the risk of oncoming vehicles encountering the persons entering or exiting a car so parked.
12. Weighing up all the above factors, I conclude on balance that the development has had a neutral effect on highway safety. The absence of any unacceptable effect on highway safety is in accordance with criterion in Policy PSP38. Provision of a safe access also accords with Policy PSP11. Moreover, as highway safety has not been compromised, the development accords with Policy CS8.

Other matters

13. I understand that the appellant holds a disabled parking permit and that having convenient off-road parking facilitates easier access to the dwelling. However, personal circumstances will seldom outweigh general planning considerations, as it is likely that the consequences of development will remain long after such circumstances cease to have relevance. Also, as opinions can change, local support for the development can only be given limited weight. Whilst the appellant did not intentionally breach planning control, that does not weigh for or against granting permission.

14. As I have to consider the individual planning merits of the development, the planning history of a nearby building is of little relevance. Advice apparently given by the Council's One Stop Shop, expenditure incurred by the appellant in the development and her financial circumstances are matters outside the scope of the planning considerations in this appeal.

Planning balance

15. The harm to the significance of the listed building is 'less than substantial' as meant by paragraph 196 of the National Planning Policy Framework. There are no public benefits outweighing that harm; the benefit to the appellant is purely private whilst the neutral effect on highway safety could not reasonably be described as a 'benefit'.

Conclusion

16. The development fails to preserve the setting of the listed building and does not accord with the Development Plan. Therefore, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

17. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177 (5) of the Act as amended.

Stephen Hawkins

INSPECTOR